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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,281	02/17/2005	Francesco Muller	P/231-153	7772
2352	7590	10/02/2007	EXAMINER	
OSTROLENK FABER GERB & SOFFEN			PHAN, THANH S	
1180 AVENUE OF THE AMERICAS			ART UNIT	PAPER NUMBER
NEW YORK, NY 100368403			2833	
MAIL DATE		DELIVERY MODE		
10/02/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/525,281	MULLER, FRANCESCO
	<b>Examiner</b>	<b>Art Unit</b>
	Thanh S. Phan	2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 April 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6, 9 and 10 is/are rejected.  
 7) Claim(s) 7 and 8 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim [US 4,833,661] in view of Hysel et al. [US 5,323,363].

Regarding claims 1, 2, 9. Kim discloses an analogue display device [1] for a timepiece, comprising display means arranged to jump relative a dial having a non-sequential pattern of the value to be displayed, wherein the successive values to be displayed on the dial being indicated by a mechanism [M1-3] operable to drive the display means.

Kim disclose the claimed invention except for the successive value (or the hour indicia) to be displayed on the dial are offset by regular intervals of a certain number of successive positions in the non-sequential pattern of the values to be display, and wherein the mechanism are mechanical control.

It would have been obvious to modify Kim by having the hour indicia offset by regular intervals of a certain number of successive position since applicants have presented no explanation that this particular location of the stud is significant or is anything more than one of numerous locations a person of ordinary skill in the art would find obvious for the purpose of providing a random-number dial for a timepiece. A

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shifting in location is generally recognizing as being within the level of ordinary skill in the art when the operation of the device would not thereby be modified. *In re Japikse*, 86 USPQ 70 (CCPA 1950).

Hysek et al. disclose an old and well known fact in the horology art wherein electronic, electromechanical and/or mechanical controlling mechanisms are used for performing the time telling function [figures 6-8].

Since Kim and Hysek et al. are both from the same field of endeavor, the purpose disclosed by Hysek et al. would have been recognized in the pertinent art of Kim.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kim's invention by using a mechanically design as the controlling mechanism for the purpose of having a timepiece without/minimal dependence upon an electrical providing source.

Regarding claim 3. Kim discloses a device wherein the dial displays the time by means of hands [2,3 and 4].

Regarding claims 4 and 5, Kim discloses the claimed invention except for wherein the display means are discs placed underneath the dial and the dial has cut-cuts to reveal the values displayed on the discs.

Hysek et al. disclose a timepiece wherein the dial [1] comprises cut-outs [windows 5 and 7] to reveal information displayed on rotational discs [6, 10] place underneath.

Since Kim and Hysek et al. are both from the same field of endeavor, the

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purpose disclosed by Hysek et al. would have been recognized in the pertinent art of Kim.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Hysek et al. with Kim for the purpose of presenting additional information on a timepiece.

Regarding claim 6, Kim discloses a device wherein the values to be displayed are selected from the group comprising hours and minutes, dates, names of days, weeks, and phases of the moon [hours and minutes; abstract].

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim and Hysek et al. in view of Vaucher [US 5,432,759].

Regarding claim 10, Kim and Hysek et al. disclose the claimed invention except for wherein the dial having 31 indications (as in the days of the month) instead of 12 (hours), and the offset is 13 successive positions.

Vaucher teaches a timepiece wherein the dial comprising 31 indications for indicating days of the month.

Since Kim, as modified, and Vaucher are both from the same field of endeavor, the purpose disclosed by Vaucher would have been recognized in the pertinent art of Kim, as modified.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the timepiece of Kim, as modified, to have 31 indications on the dial as taught by Vaucher for the purpose of indicating the days of the month. Since Kim teaches the random-ness of the indications on the dial, one of ordinary skill in

the art would have been motivated to have the indications at a desired offset value such as 13.

***Allowable Subject Matter***

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tsp

  
P. AUSTIN BRADLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800